



Town of West Boylston Community Preservation Plan and Application



Overview of the Community Preservation Act

The Community Preservation Act is statewide enabling legislation to allow cities and towns to exercise control over local planning decisions. This legislation strengthens and empowers Massachusetts communities:

- All decisions are local.
- Local people must vote by ballot to adopt the Act.
- Local legislatures must appoint a committee of local people to draw up plans for use of the funds.
- These plans are subject to local comment and approval.
- If residents don't feel the CPA is working as they expected, they can repeal it.

The Community Preservation Act provides new funding sources which can be used for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created.

A minimum of 10% of the annual revenues of the fund must be used for each of the three core community concerns. The remaining 70% can be allocated for any combination of the allowed uses, or for recreational use. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen.

Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance. - and more. But until the CPA, there was no steady funding source for preserving and improving a community's infrastructure. The Community Preservation Act can give a community the funds needed to control its future.

Constitution and Role of the Committee

In May 2007 at the Annual Town Meeting, voters approved Article XXXI of the General Bylaws. This bylaw governs the work of the Community Preservation

Committee (CPC). The full text of the bylaw is available at on the Town website at:

http://www.westboylston-ma.gov/Pages/WBoylstonMA_Bylaws/gen_article31

The Community Preservation Committee is made up of 4 citizens appointed by the Town Administrator and a representative from each of the following Town bodies: the Planning Board, the Conservation Commission, the Historical Commission, the Board of Parks Commissioners and the Housing Authority.

It is the responsibility of each member to be familiar with the following:

- The Open Meeting Law
- The Community Preservation Act
- The Processes and Procedures for the CPC
- The Town of West Boylston Community Preservation Act (CPA) Bylaw

While members of the CPC represent specific committees, all members shall keep the best interest of the entire town in mind when making decisions.

The Committee's role is to inform members of the community of the opportunities that exist and the availability of funds. The CPC acts as a catalyst and information resource to those wishing to submit proposals.

A quorum, consisting of a majority of members, must be present for the committee to hold a meeting. All members must make an effort to be present when proposals are presented, as well as at public hearings. A member who is not present at the meetings where a proposal is presented and discussed or does not attend a public hearing will insure that they are informed on all aspects of a proposal before voting on the proposal.

Operational Procedures

The CPC has adopted guidelines and forms for submittal of proposals as set forth in Appendix A. The committee will generally meet monthly and more frequently as needed for review and consideration of proposals as needed. All meetings are open to the public and minutes will be kept. Substantive discussions of proposals will take place only in duly noticed committee meetings.

Pre-application inquiries are welcomed and should be directed through the committee chair, who will address the inquiries with a quorum of the Committee.

Applications for funding must be filed by January 1 to be considered for funding at the spring biannual town meeting and by June 1 to be considered for funding at the fall biannual town meeting. All applications will be distributed to all members of the committee for review prior to the meeting where the application

will be discussed. The committee will request clarifications and or changes as needed.

Applicants will be invited to a committee meeting to present their proposals and for committee members to ask questions and to discuss the elements and merits of each proposal as it relates to the needs of the town and to the core priorities of the CPA.

Prior to the committee decision on funding recommendations, the CPC will hold a public hearing at which proponents are invited to make a short presentation in order for the public to comment on the proposals. At a minimum, the proposals will have been posted on the Town's website, at the Town Clerk's office and at the library prior to the public hearing.

The CPC will consider proposals based on the following:

1. Open Space Goals and Criteria

Due to increased and ongoing development pressure in West Boylston, the preservation of Open Space is becoming increasingly important. With property values rising in recent years, the acquisition of Open Space has become increasingly difficult and urgent. The CPA is a proactive tool for the community to preserve our quality of life, the purity of our water, control property taxes and find a balance between economic development and preservation.

The Community Preservation Committee solicits input from the Town's Open Space Committee and Conservation Commission, as well as other town boards, committees and the public, in identifying goals for open space protection consistent with the open space and recreation plan of the Town of West Boylston, which include:

Goal 1: Protect aquifer and aquifer recharge areas to preserve quality and quantity of future water supply.

Goal 2: Balance open space with development demand to reduce service demands and tax burden on town.

Goal 3: Increase the town's ability to protect environmentally sensitive, historic and culturally significant properties.

Goal 4: Improve public access and trail linkages to existing conservation, recreational and other land uses.

Goal 5: Protect rare, unique and endangered wildlife habitat.

Goal 6: Preserve West Boylston's rural character.

Goal 7: Utilize open space protection strategies (purchasing development rights as an option to outright purchases of property) that maximize protection at the lowest public cost.

Goal 8: Enhance the quality and variety of passive and active recreational opportunities for all age groups and abilities.

The following are examples of types of Open Space (and Recreation) projects that the CPC might consider funding:

- Purchasing land or interest in land (development rights) to protect public drinking water supply, preserve natural resources, maintain scenic views, build green belts and trail systems, and enhance active and passive recreational opportunities.
- Purchasing community-enhancing green space outright or purchasing development rights through mechanisms such as permanent conservation restrictions or agricultural preservation restrictions.
- Matching or augmenting funds available under various land trust or conservation programs.
- Exercising rights of first refusal when lands are removed from temporary agricultural and forest land restrictions (e.g., Chapter 61, 61A).
- Purchasing land for public active recreation facilities such as community gardens, play grounds, trail networks and ball fields.
- Parcels of land that, when preserved, are deemed to have a significantly positive net fiscal impact on town finances.

2. Historic Preservation Goals and Criteria

The Town of West Boylston has a rich diversity of historic resources. The Town's Community Preservation Act goals for preserving these historic resources include:

Goal 1: Protect historical resources including records and artifacts.

Goal 2: Optimize the use and enjoyment of the Town's historic resources for residents and visitors.

Goal 3: Recognize, preserve and enhance the historic heritage and character of the Town of West Boylston for current and future generations.

In order for an historic resource to be eligible for CPA funding, it must first be determined to be not just “old” but of historic significance. The burden of proving historic significance is the responsibility of the applicant. In order to be of historic significance, a property must have retained its physical character and integrity and must either (1) be associated with significant people, or (2) be architecturally significant, or (3) have a potential to yield important historical or archaeological information. According to the CPA, there are 3 ways a resource can qualify as historically significant:

1. Listing on the State Register of Historic Places,
2. A written determination by the Massachusetts Historical Commission that the resource is eligible for listing on the State Register of Historic Places, or
3. A written determination by the West Boylston Historical Commission that the resource is significant for its history, archaeology, architecture or cultural value.

In deciding whether or not to recommend funding for specific historic resource projects, the CPC will consider:

- Level of historical significance
- Public benefit
- Public support
- Appropriateness & professionalism of the proposed work (rehabilitation work is expected to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties)
- Level of additional financial or in-kind services, beyond CPA funds, committed to the project
- Administrative and financial management capabilities of the applicant in order to ensure that the project is carried out in a timely manner, and that the historic resource can be maintained for public benefit.

PLEASE NOTE: The CPA specifically excludes funding for maintenance. The Act does allow, however, for the remodeling, reconstruction and making of extraordinary repairs to historic resources for the purpose of making such historic resources functional for their intended use, including, but not limited to improvements to comply with Americans with Disabilities Act and other federal, state or local building or access codes.

3. Community Housing Goals and Criteria

CPA funds may be used to create and preserve community housing defined as housing for low and moderate income individuals and families, including low or moderate income senior housing. The Act requires that CPC to recommend, wherever possible, the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

Individual and family incomes shall be based on the area wide median income as determined by the United States Department of Housing and Urban Development. Low income is defined as an annual income of less than 80% of the area wide median income; moderate income is defined as less than 100% of the area wide median income. Low or moderate senior income is defined as low or moderate income for persons over 60. The dollar amounts for the town of West Boylston can be found under the heading “CPA Low and Moderate Income Guidelines” at:

<http://www.communitypreservation.org/CPAImplementation.cfm>

As long as West Boylston does not meet the State’s standard of 10% of its available housing stock deemed affordable, the town will continue to subject to the punitive impacts of Chapter 40B housing.

The CPC’s goals for community housing are as follows:

Goal 1: The Act requires the Committee to recommend, wherever possible, the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.

Goal 2: Meet local housing needs for eligible low and moderate-income individuals and families. The preservation and creation of community housing is a proven method for promoting diversity, allowing individuals and families with more limited means to afford to live in town. The town can utilize CPA funds to offer current and future residents a wide range of housing options in renovated, converted and existing residential buildings, mixed-use developments, and senior residential developments, supportive housing alternatives and live-work space.

Goal 3: Ensure the new community housing meets or exceeds surrounding community standards with regard to density, architectural character, landscaping, pedestrian and other amenities, while conserving, as much as possible, the natural landscape.

Goal 4: Work toward meeting the 10% State standard for community housing. In order to ensure future community housing development is consistent with the

needs and character of the town, West Boylston must work toward the State's 10% housing standard. Until that milestone is achieved, the town will be considered deficient in this area and will continue to be vulnerable to Chapter 40B applications.

Goal 5: Leverage other public and private resources to the greatest extent possible. West Boylston does not receive federal or state funding for community housing on an entitlement basis. We need to be creative in leveraging public and private resources to make community housing development possible. Combining CPA funds with various private, state, and federal resources that are available on a non-entitlement "competitive" basis will demonstrate creativity. This will include Federal Home Bank Funds, State HOME funds, Housing Stabilization funds, and Housing Innovations funds, and Federal Low Income Housing tax credits.

The Community Preservation Committee will work with the West Boylston Housing Committee and all interested organizations, groups and citizens to meet the above stated goals.

The CPC's goals for recreation are as follows:

Funding through the CPA is limited to the "acquisition, preservation, and creation of land for recreational use." Outdoor recreational activities are generally classified as "active" or "passive" and the type of land needed for each is different. Under the CPA, recreational purposes are defined as "active or passive recreational use including, but not limited to, the use of land for community gardens, trails and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field." Land cannot be used for "a stadium, gymnasium, or similar structure."

The Community Preservation Committee solicits input from the Town's Open Space Committee, Board of Parks Commissioners and Parks Facilities Committee, as well as other town boards, committees and the public, in identifying goals for open space protection consistent with the open space and recreation plan of the Town of West Boylston, which include

Goal 1: Provide increased utilization of current town-owned recreational lands and facilities.

Goal 2: Acquisition of land to fulfill identified current and future recreational needs.

Goal 3: Support a diversity of recreational programs, both active and passive.

Goal 4: Offer a range of recreational opportunities to all residents, regardless of age, gender or disability and serve a significant number of residents.

Goal 5: Support multiple recreation uses.

Goal 6: Contribution to enhance the overall current or expected recreational needs of the Town of West Boylston including both new recreational opportunities and expansion of existing, high demand recreational facilities and opportunities available to West Boylston residents of all ages.

Eligibility for Funding

The Town of West Boylston is pleased to recommend approval of Community Preservation Act (CPA) funds to applicants who propose projects that will benefit the Town and include one or more of the following objectives:

1. The acquisition, creation and preservation of open space;
2. The acquisition, preservation, rehabilitation and restoration of historic resources;
3. The acquisition, creation and preservation of land for recreational use.
4. The creation, preservation and support of community housing; and/or
5. The rehabilitation or restoration of open space, land for recreational use and community housing that is created or acquired.

The Community Preservation Committee (CPC) encourages applicants to propose projects that encompass more than one of the above categories. **Note that Community Preservation Act funds may not be used for the maintenance or upkeep of real or personal property.**

It is also important to understand that a deed restriction on CPA funded projects may be a requirement mandated by State law in some situations.

All proposed projects must meet the requirements described in the Community Preservation Act M.G. L. 44B, as amended. Copies are available online at: <http://www.communitypreservation.org/statelegis.cfm>

In addition, a Questions and Answers page can be found at: <http://www.communitypreservation.org/QandA.cfm>

- If you are in doubt about your project's eligibility, please contact the chair of the committee for clarification at wbcpc@westboylston.com
- You may also review information on the Community Preservation Act, Town of West Boylston's Community Preservation Committee and CPA Funding application information at the Town of West Boylston website – <http://www.westboylston.com>

Proposal Review Process

The Community Preservation Act (CPA) proposal review process is as follows:

1. Upon receipt of ten copies of a proposal, copies are distributed to all Community Preservation Committee (CPC) members. The entire committee reviews the application to determine if the application is qualified for funding under the Act.
2. The CPC reviews each proposal according to the stated Committee goals and criteria. The CPC may request input or recommendations from other town committees or boards.
3. The CPC may schedule an interview and/or site visit with the applicant, which may be attended by any CPC member.
4. The CPC shall next evaluate all applications using the following General Selection Criteria:
 - How the project meets the goals of the Community Preservation Act
 - How the project specifically benefits the Town of West Boylston's residents
 - Consistency with West Boylston's Master Plan, Open Space and Recreation Plan, and other planning documents that have received wide input and scrutiny
 - Feasibility
 - Affordability
 - Serving a currently under-served population
 - Meeting multiple needs and serving multiple populations
 - Addresses multiple categories of the Act
 - Has means of financial support for future maintenance
 - Enhances town assets
 - Multiple sources of funding

5. The CPC will then vote on which applications to recommend for funding at Town Meeting and what conditions, if any, will be placed on that recommendation. Applicants should understand that satisfying all of the foregoing criteria does not guarantee that the CPC will recommend a proposal at Town Meeting.
6. Town Meeting votes to approve or not to approve a project for funding.
7. Proposals approved at Town Meeting shall be funded with CPA funds and implemented by the applicant
8. At any stage in which an application is rejected by the CPC, the applicant will be notified.

D. Disbursement and Use of Funds

CPA monies are public funds raised from dedicated West Boylston tax revenues and from State subsidies to the Town. Therefore, projects financed with CPA funds must comply with all applicable State and Town requirements, including the State procurement law, which requires special procedures for the selection of products, services and consultants. For Example: Purchases over \$5,000 require the solicitation of at least three quotes. Purchases over \$25,000 require publication of “invitations for bids” or “requests for proposals.” Contracts for goods and services must be awarded to the lowest qualified bidder, which may be someone other than who assisted the applicant with a project application. Project purchases cannot be split to avoid State procurement laws. The CPC will provide successful applicants with a memo describing the completed award process, which adheres to the guidelines of the Massachusetts Procurement Law.

In general, funds may be spent only on items listed on the submitted budget in the application. All changes to budgets must receive prior approval by the CPC. Funding from the CPC may not be used to replace or free up for any other use, alternate funds or revenue sources.

In certain situations, funds may not be disbursed until there is an appropriate deed restriction or the Department of Revenue, the Department of Conservation and Recreation, the Massachusetts Historical Commission or the Department of Housing and Community Development (as appropriate) must be satisfied with the status of the restriction.

Applicants must recognize the CPA as a funding source for their project. This recognition should appear on any materials involving the project, such as press releases, brochures, etc. In order for West Boylston citizens to see the results of their tax funding, a CPA sign will be purchased by the applicant and displayed on the property on a case by case basis, as determined by the CPC.

Signature on the application form indicates that the applicant has the right to enter into contracts for the organization seeking funding and has read and understands all regulations in the packet.

WEST BOYLSTON COMMUNITY PRESERVATION COMMITTEE

APPLICATION FORM

[page 1]

Project Name:

Date: _____

CPA Funding Requested: \$ _____

Total project cost: \$ _____

Category (check all that apply):

- ☐ Open Space
- ☐ Historical
- ☐ Housing
- ☐ Recreation

Lot Number: _____ *

Assessors' Map: _____ *

Number of acres in Parcel: _____ *

Number of proposed housing units: _____ *

Project Sponsor/
Organization: _____

Contact Name: _____

Address: _____

Phone # _____ E-Mail _____

- Insert additional information, if applicable to the application

APPLICATION FORM

[page 2]

Application Requirements

A complete application consists pages 1 and 2 of the application form along with the following information:

1. A detailed description of the project explaining how your proposal benefits the Town of West Boylston and how it meets CPA goals and selection criteria outlined in the Town of West Boylston Community Preservation Plan. Are there any special permits, variance, or other approvals required? Are there any legal ramifications or impediments to this project?
2. A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational? If the project is expected to continue over more than one year or if bonding for the project is anticipated, detail the cost of the project on the following chart:

Fiscal Year ending June 30,	CPA Funds	Other Funding	Total Cost

- 3 A project time line.
- 4 Additional supporting information such as photographs, plot plans, and maps, if applicable.

Please file 10 copies of your completed application with the Town Clerk.

Applications for funding must be filed by January 1 to be considered for funding at the spring semi-annual town meeting and by June 1 to be considered for funding at the fall semi-annual town meeting. However, the Community Preservation Committee may accept late applications after these deadlines, for emergency or other appropriate reasons, solely at the Committee's discretion.

Applicant signature _____

For Community Preservation Committee Use:

Date request received by West Boylston CPC: _____

Copies provided to CPC Members on _____